

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

*In re* DOBSON/KNOLTON, Minors.

UNPUBLISHED

January 14, 2021

No. 354064

Wayne Circuit Court

Family Division

LC No. 18-001638-NA

---

Before: LETICA, P.J., and GLEICHER and O'BRIEN, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her minor children, BK and LD, under MCL 712A.19b(3)(c)(i) (failure to rectify conditions leading to adjudication) and (g) (failure to provide proper care or custody although financially able to do so). We affirm.

**I. FACTS AND PROCEDURAL BACKGROUND**

DHHS filed its initial petition over concerns that respondent, who has mental-health issues, was not compliant with her medication or treatment, had threatened harm to the children, and had engaged in physical altercations in their presence. Psychological and psychiatric evaluations diagnosed respondent with bipolar disorder, borderline-personality disorder, schizoaffective disorder, and cannabis-use disorder. As a result of these disorders, and because respondent failed to comply with her medication regimen throughout the proceedings, she exhibited erratic behavior, paranoia, severe anger, and hallucinations. At the hearing on the initial petition, testimony from Child Protective Services specialist Devin Jackson demonstrated respondent failed to take her medication, had various mental-health disorders, and was physically and verbally aggressive in front of the children. As a result, the trial court authorized the petition.

At the adjudication trial, respondent's guardian, Portia Lyle, and Jackson testified about respondent's mental health and the interactions that they had with her. According to Lyle, respondent was easily agitated and physically and verbally aggressive without her medication. Lyle stated that several weeks before the adjudication trial, she encountered respondent at a bank and respondent did not appear to be receiving mental-health treatment at that time because she "was very angry" and "not herself." Jackson also testified and discussed an altercation between respondent and her mother witnessed by LD. Jackson testified that shortly after this altercation,

respondent went to BK's school, demanded to know his location, and, when denied that information, threatened harm to the children. When visiting respondent in jail for another incident, respondent was "very irate," yelling, and banging on a table. Based on this testimony, the trial court took jurisdiction over the children, concluding that respondent had failed to provide proper care and custody for the children and had mental-health needs that prevented her from doing so. LD was placed with respondent's mother, while BK was placed with his father.

After the trial court took jurisdiction, a service plan was implemented for respondent. It required respondent to: (1) obtain suitable housing and legal income; (2) remain in contact with petitioner; and (3) participate in individual therapy, parenting classes, substance-abuse therapy, and drug screens along with "mental health services tailored to her special needs" and a psychological evaluation.

At a March 2019 dispositional review hearing, petitioner indicated respondent refused all additional services, including those specific mental-health services tailored to her needs. Although petitioner referred respondent for individual and substance-abuse therapy, she also refused those services, even though she denied that she had refused them. This hearing also included testimony from foster care worker Claudia Barn, who indicated that a mid-February 2019 incident between respondent and BK resulted in Barn moving visits to the Detroit Police Department and in BK refusing to attend visits.

At a June 2019 dispositional review hearing, petitioner indicated that respondent was provided a parent partner, but was not eligible for a program through Neighborhood Services Organization because she did not have any cognitive impairments. Further, Claudia Redfearn, another foster care worker, stated that respondent was not compliant with her drug screens, mental-health services, or parenting-time visits. And, at a September 2019 dispositional review hearing, the trial court was informed that respondent was involuntarily committed to a psychiatric hospital.

Thereafter, petitioner filed a supplemental petition requesting to terminate respondent's parental rights. The petition recounted respondent's mental-health issues and alleged that she failed to complete and benefit from the various services she had been referred to, including parenting classes, substance-abuse and individual therapy, drug screens, and mental-health services. Several of the services were terminated because of respondent's untreated mental-health issues. The petition further alleged that respondent failed to provide documentation of income, failed to visit the children, behaved inappropriately on several occasions when she did visit, failed to cooperate with her parent partner, and failed to allow Redfearn full access to respondent's home to complete an evaluation.

A termination hearing was held on the supplemental petition. Redfearn, respondent's mother, and respondent all testified. Redfearn discussed respondent's issues with cooperating, completing, and benefiting from the various services to which she was referred. Redfearn also testified about incidents involving physically and verbally aggressive behavior from respondent directed toward the children or at others in the children's presence. Redfearn detailed respondent's failure to address her mental-health needs and substance-abuse issues.

Respondent's mother testified that she did not believe respondent was ready to care for the children and opined that respondent would never be in a position to care for the children independently. Respondent's mother also expressed a willingness to adopt LD.

Respondent testified she had attended therapy "off and on since 2017," but did not believe she did so in 2018. Respondent stated she was compliant with the services, but, later, admitted that she was not compliant with the weekly drug screens. Respondent testified she received Social Security income and worked for both Lyft and a restaurant. Respondent did not believe that her medication helped and opined that she could function normally without it. Respondent recognized that she saw the children "[v]ery little" outside of visits to the police station, explaining that she had stopped attending visits because the police station was too far and she did not want the children to see her being guarded by police officers.

After the hearing, the trial court issued a written opinion, concluding that there was clear and convincing evidence supporting termination of respondent's parental rights under MCL 712A.19b(3)(c)(i) and (g). The trial court relied heavily on respondent's failure to address her mental-health. The court determined that respondent had approximately 15 months to address the matters resulting in jurisdiction, and, yet, she had failed to do so. The trial court also concluded that it was in the children's best interests terminate respondent's parental rights as the children required stability, permanency, and finality. The trial court again pointed to respondent's failure to engage and benefit from the services provided, noted that respondent's mother was willing to adopt LD, and concluded that BK was at risk if he continued to have contact with respondent.

Respondent now appeals as of right.

## II. STATUTORY GROUNDS

Respondent argues the trial court erred in concluding a statutory basis for termination of respondent's parental rights was proven by clear and convincing evidence. We disagree.

This Court reviews the trial court's factual findings, as well as its determination that a statutory basis for termination has been proven by clear and convincing evidence, for clear error. MCR 3.977(K); *In re Pops*, 315 Mich App 590, 593; 890 NW2d 902 (2016). "A finding is clearly erroneous if although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010) (quotation marks and alteration omitted). "In order to terminate parental rights, the court must find that at least one of the statutory grounds set forth in MCL 712A.19b has been met by clear and convincing evidence." *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005).

In this case, the trial court terminated respondent's parental rights under MCL 712A.19b(3)(c)(i) and (g). Those subsections read:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

\* \* \*

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds . . . :

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

\* \* \*

(g) The parent, although, in the court's discretion, financially able to do so, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

The trial court may conclude that a statutory ground exists for termination under either MCL 712A.19b(3)(c)(i) or (g) if "the totality of the evidence amply supports that [respondent] ha[s] not accomplished any meaningful change in the conditions existing by the time of the adjudication." *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009). Further, "[a] lack of cooperation with reunification services, or other court-ordered conditions, can bear on a termination decision, if that lack of cooperation relates to issues of abuse or neglect." *In re LaFrance*, 306 Mich App 713, 729; 858 NW2d 143 (2014). This Court, however, has cautioned that the failure to cooperate with reunification services "should not be over-emphasized and is not determinative of the outcome of the termination hearing." *Id.* (quotation marks, citation, and alterations omitted).

Termination of parental rights under subsection (c)(i) is appropriate when "the totality of the evidence amply supports" that the parent has not accomplished "any meaningful change in the conditions" that led the trial court to assume jurisdiction of the child, see *In re Williams*, 286 Mich App at 272, and when there is no reasonable likelihood the conditions will be rectified within a reasonable time given the child's age, MCL 712A.19b(3)(c)(i). The determination of what constitutes a reasonable time includes how long it will take the parent to improve conditions and how long the child can wait for that improvement. *In re Dahms*, 187 Mich App 644, 648; 468 NW2d 315 (1991).

In this case, the trial court found that respondent did not address or rectify the conditions existing at the time of adjudication, including her untreated mental-health issues. Moreover, the trial court found there was no reasonable likelihood respondent would rectify the conditions that led to the removal of the children "given the lack of progress since the adjudication over fifteen months ago."

The trial court did not clearly err in finding there was clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i). In exercising jurisdiction over the children after the adjudication trial, the trial court relied on the testimony of Lyle and

Jackson. Lyle, respondent's guardian, testified that respondent was agitated, and physically and verbally aggressive without her medication. Further, Lyle recounted an incident approximately six weeks before the November 2018 adjudication hearing when she encountered respondent at a bank. According to Lyle, respondent was "very angry" and "was not herself"; it did not appear that respondent was receiving mental-health treatment at that time. Lyle was "appalled" at how respondent and LD, who was with respondent, appeared; LD was wearing mismatched shoes and a left shoe on her right foot. Likewise, Jackson testified about two investigations involving respondent. The first investigation concerned a physical altercation between respondent and respondent's mother while LD was present; it resulted in Jackson offering respondent services, but not filing a petition. The second investigation began approximately one to two weeks after the first investigation was closed. Complaints were made that respondent had threatened the children at BK's school, in LD's presence, that respondent was "not compliant with her medication," and that respondent suffered from mental illness. During Jackson's investigation, respondent told Jackson that respondent was diagnosed with bipolar disorder; however, respondent did "not believe" this diagnosis, stated that she did not need her medication, and indicated that she did not have an untreated mental illness. And when Jackson visited respondent in jail "for an incident that occurred," respondent was "very irate" and began yelling and banging on a table during their conversation. The trial court concluded respondent's untreated mental-health needs resulted in her failure to provide proper care and custody for the children.

The evidence at trial amply supports the conclusion that respondent did not accomplish any meaningful change in the conditions that led the trial court to assume jurisdiction over the children, *In re Williams*, 286 Mich App at 272, and that there was no reasonable likelihood the conditions would be rectified within a reasonable time given their ages, MCL 712A.19b(3)(c)(i). There was testimony throughout this case that respondent refused services offered to her, including individual and substance-abuse therapy, that respondent failed to comply with a medication regimen designed to assist her with managing her mental-health condition, and that respondent continued to exhibit aggressive behavior toward, or in the presence of, the children. At the March 2019 dispositional review hearing, petitioner indicated that respondent refused all services, including those specific mental-health services tailored to her needs as well as individual and substance-abuse therapy. Further, foster care worker Barn described an incident between respondent and BK during a visit that led Barn to move visits to the Detroit Police Department and BK declining to attend visits. And, at the June 2019 dispositional review hearing, foster care worker Redfearn stated that respondent had "just started" her parenting classes and substance-abuse therapy, had tested positive for marijuana, and was non-compliant with her drug screens, her mental-health services through Lincoln Behavioral Health Services, and her parenting time visits. At the September 2019 dispositional review hearing, petitioner informed the trial court that respondent was involuntarily committed to a psychiatric hospital earlier that month.

The evidence presented at the February 2020 termination hearing further supported the trial court's conclusion that respondent had failed to accomplish any meaningful change in the conditions that led the court to assume jurisdiction over the children, and that there was no reasonable likelihood that those conditions would be rectified within a reasonable time given the children's ages. To address the mental-health issues that rendered respondent unable to properly care for the children, respondent's treatment plan included parenting classes, individual and substance-abuse therapy, drug screens, and mental-health services. Psychological and psychiatric evaluations diagnosed respondent with schizoaffective disorder, bipolar disorder, borderline-

personality disorder, and cannabis-use disorder. Respondent's psychiatrist opined that respondent's marijuana use caused "serious complications" given her schizoaffective disorder. Moreover, respondent was "off and on" with taking her medication, and that the only time she was compliant with her medication regimen was when she was hospitalized and administered medication. When respondent failed to take her medication, foster care worker Redfearn observed that respondent was "extremely erratic," "very emotional," did not "take time to think about her actions," could be "physically aggressive toward[] others," including the children, and was "[v]ery just problematic, . . . arguing back and forth" a lot. Redfearn was told by several providers that respondent should not be re-referred until she had her mental health under control.

Respondent herself testified she was "off and on" with her individual therapy to address her mental-health issues since 2017; however, she claimed to be compliant with the mental-health services offered. Respondent further testified that she did not think the medication benefited her and that she could function normally without it.

Respondent missed 32 of 49 visits with the children. Respondent testified that she stopped going to visits at the police station because it was "too far for" her to get to on a bus and she did not want the children to see her being guarded by the police. Of the visits respondent attended, seven were inappropriate as respondent frequently yelled at the children, was physical with BK, failed to give BK space when he was upset, made disrespectful comments to Redfearn, and was physical with Redfearn in front of the children. Redfearn described BK as being "severely traumatized" by respondent's behavior. And, on another occasion, respondent hit the windshield of her mother's vehicle with her hand in the children's presence. Although respondent eventually completed parenting classes, Redfearn opined that respondent did not benefit from them.

Respondent admitted she was not compliant with the weekly drug screen requirements. She participated in 4 of 44 drug screens offered. Out of those four, she was positive for marijuana on two. Respondent's substance-abuse counseling was cancelled twice because her mental health prevented her from benefiting. Additionally, respondent's mental-health services and her participation in the parent-partner program were cancelled because she refused to cooperate and did not take her medication. And, although respondent testified that she had two jobs in addition to her Social Security income, she failed to verify her employment.

On this record, the trial court did not clearly err in concluding there was clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i). The trial court exercised jurisdiction over respondent's children in late November 2018, and by mid-February 2020, approximately 15 months later, the conditions that led to the adjudication had not improved. Rather the evidence demonstrated that respondent continuously failed to take steps to improve her mental-health condition, was physically and verbally aggressive toward the children and others in the presence of the children, and failed to participate in various services aimed at rectifying the conditions that led to the adjudication, including individual and substance-abuse therapy, drug screens, and mental-health services. As a result, the evidence amply supports the trial court's findings that respondent did not accomplish any meaningful change in the conditions which led to the children being under its jurisdiction, *In re Williams*, 286 Mich App at 272, and that there was no reasonable likelihood that those conditions would be rectified within a reasonable time given the children's ages. MCL 712A.19b(3)(c)(i).

Accordingly, the trial court did not clearly err in concluding that there was clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i).<sup>1</sup>

### III. REASONABLE EFFORTS

Respondent also argues the trial court erred in concluding petitioner made reasonable efforts to reunify her with the children. We disagree.

To preserve the issue of whether reasonable efforts for reunification were made, a respondent must raise the issue at the time the services were offered. *In re Frey*, 297 Mich App 242, 247; 824 NW2d 569 (2012). The issue is not preserved when a respondent fails to timely "object or indicate that the services provided to [respondent] were somehow inadequate[.]" *Id.* In this case, respondent failed to object or indicate that the services provided to her were somehow inadequate, and, as a result, this issue is unpreserved.

Although we generally review for clear error a trial court's finding that the petitioner made reasonable efforts to reunify a child with her parent, *In re Smith*, 324 Mich App 28, 43; 919 NW2d 427 (2018), we review unpreserved claims for plain error affecting substantial rights, *In re Utrera*, 281 Mich App 1, 8; 761 NW2d 253 (2008). Therefore, it is respondent's burden to "establish that (1) error occurred; (2) the error was plain, i.e., clear or obvious; and (3) the plain error affected [her] substantial rights." *In re Ferranti*, 504 Mich 1, 29; 934 NW2d 610 (2019) (quotation marks and citation omitted). "[A]n error affects substantial rights if it cause[s] prejudice, i.e., it affect[s] the outcome of the proceedings." *In re Utrera*, 281 Mich App at 9.

Generally, "the petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan." *In re Fried*, 266 Mich App at 542, citing MCL 712A.18f(1), (2), and (4). "The adequacy of the petitioner's efforts to provide services may bear on whether there is sufficient evidence to terminate a parent's rights." *In re Rood*, 483 Mich 73, 89; 763 NW2d 587 (2009). "While the [DHHS] has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of [the] respondent[] to participate in the services that are offered." *In re Frey*, 297 Mich App at 248. Further, it is not enough to simply participate in the services. See *In re TK*, 306 Mich App 698, 711; 859 NW2d 208 (2014). Instead, the respondent must also benefit from those services. *Id.* Importantly, "[p]ublic entities, such as [DHHS], must make 'reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless . . . the modifications would fundamentally alter . . . the service provided.'" *In re Hicks/Brown*, 500 Mich 79, 86; 893 NW2d 637 (2017)

---

<sup>1</sup> Given our conclusion that the trial court did not clearly err in concluding there was clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i), we need not address whether the trial court clearly erred in terminating respondent's parental rights under MCL 712A.19b(3)(g). See *In re HRC*, 286 Mich App 444, 461; 781 NW2d 105 (2009) (stating that, if we conclude that the trial court did not clearly err in finding one statutory ground for termination, we "need not consider the additional grounds upon which the trial court based its decision").

(quotation marks and citation omitted). Reunification efforts are not reasonable unless DHHS “modifies its services as reasonably necessary to accommodate a parent’s disability.” *Id.* at 90.

In this case, the trial court did not plainly err in concluding that petitioner engaged in reasonable reunification efforts. The trial court established a service plan addressing respondent’s needs. The plan required respondent to participate in a psychological evaluation, obtain suitable housing, maintain legal income, remain in contact with petitioner, and attend individual and substance-abuse therapy, drug screens, parenting classes, and “mental health services tailored to her special needs.” At the March 2019 dispositional review hearing, petitioner indicated that respondent had refused all additional services, including specific mental-health services tailored to her needs as well as individual and substance-abuse therapy. Respondent’s attorney stated that respondent was already “receiving mental health services” and had a psychiatrist. At the June 2019 dispositional review hearing, the trial court questioned whether there were “any other specialized services . . . need[ed] under” *In re Hicks/Brown*. Petitioner stated that as foster care worker Redfearn was “looking into all options,” respondent “need[ed] to follow through and take advantage of those services.” At each of these hearings, the trial court concluded that reasonable efforts were made to reunify respondent with the children.

Respondent submitted to psychological and psychiatric evaluations; they indicated she had schizoaffective disorder, bipolar disorder, borderline-personality disorder, and cannabis-use disorder. Despite these diagnoses, and her referral to mental-health services, respondent failed to voluntarily comply with the services and refused to cooperate in attempts directed to improving her mental health. This eventually led to respondent’s involuntary hospitalization, including the injection of medication.

This record reflects the services petitioner provided were tailored to respondent’s mental-health issues. Despite petitioner’s reasonable efforts, respondent failed to cooperate and take advantage of numerous services offered. Thus, the trial court did not plainly err in concluding that petitioner had made reasonable efforts at reunification.

#### IV. BEST INTERESTS

Finally, respondent argues the trial court erred in concluding that it was in the children’s best interests to terminate her parental rights. We disagree.

“Once a statutory ground for termination has been proven, the trial court must find that termination is in the child[ren]’s best interests before it can terminate parental rights.” *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). “[W]hether termination of parental rights is in the best interests of the child[ren] must be proven by a preponderance of the evidence.” *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). We review the trial court’s ruling regarding best interests for clear error. *In re Schadler*, 315 Mich App 406, 408; 890 NW2d 676 (2016). Again, “[a] finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made.” *Id.* (quotation marks and citation omitted).

In addressing the question, the trial court should weigh all the available evidence. *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014). The trial court’s focus must be on the



children and not the parent. *In re Moss*, 301 Mich App at 87. And, in cases involving multiple children, the trial court must determine each child's best interests individually. *In re Olive/Metts*, 297 Mich App at 44. But the trial court is not required to make individual and redundant best-interest findings for each child when the best interests of the children do not significantly differ. *In re White*, 303 Mich App at 715-716.

"In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *In re Olive/Metts*, 297 Mich App at 41-42 (citations omitted). "The trial court may also consider a parent's history of domestic violence, the parent's compliance with . . . her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *In re White*, 303 Mich App at 714. Other factors to be considered include a "respondent's past history, her unfavorable psychological evaluation, her inappropriate parenting techniques during parenting time, her continued involvement with domestic violence, and the young age of the child." *In re Jones*, 286 Mich App 126, 131; 777 NW2d 728 (2009).

In this case, the trial court found that it was in the best interests of both children to terminate respondent's parental rights. The court concluded that both children required stability, permanency, and finality, after both had suffered trauma as a result of respondent's actions. Further, the trial court concluded that respondent could not provide care for the children and that they would be at risk of further danger in her custody. The trial court noted that LD was placed with respondent's mother, who was willing to adopt LD, and concluded that termination of respondent's parental rights was "the best permanency plan for" LD because "reunification [was] not an option" given respondent's failure to "remain engaged and benefit from the services provided." Regarding BK, the trial court found that continued contact with respondent "pose[d] a risk to [him], given the trauma he ha[d] incurred due to [respondent's] conduct." Moreover, the trial court found that custody with BK's father only, "without termination of [respondent's] parental rights" would not provide BK "with the protection that he needs to progress and move forward with his life."

The trial court's findings were not clearly erroneous. Respondent had a long history of poor mental health and failed to take the steps necessary to address that issue. Although there was testimony that respondent could "be pleasant" when she took her medication, indicating a hope for her to improve, throughout the course of these proceedings, respondent repeatedly failed to take her medication and adhere to her mental-health services. Respondent also failed to comply with other aspects of her service plan, including refusing to cooperate and attend, or failing to benefit from, her individual and substance-abuse therapy, and parenting classes. Notably, respondent missed 32 of 49 visits with the children. Of the 17 visits respondent attended, she engaged in inappropriate behavior during seven by yelling and being physically aggressive. Redfearn indicated that BK was traumatized by respondent's behavior. Respondent's failure to address her mental health, refrain from drug use, attend services to improve her parenting abilities, and consistently visit the children showed that reunification was not a viable option. And, respondent's failure to improve over 15 months demonstrated that she would not provide either child with the permanency and stability that both needed. The trial court rightfully considered respondent's mother's willingness to adopt LD along with the fact that BK was placed with his father and needed to be able to "progress and move forward with his life." Given all of the evidence presented, the

trial court did not clearly err in finding that termination of respondent's parental rights was in the best interests of both children.

We further reject respondent's suggestion that termination of her parental rights was precluded because BK and LD were placed with relatives. "A child's placement with relatives is a factor that the trial court is required to consider" when making its best-interests determination, *In re Gonzales/Martinez*, 310 Mich App 426, 434; 871 NW2d 868 (2015), and "a child's placement with relatives weighs against termination," *In re Mason*, 486 Mich at 164. In pertinent part, MCL 712A.13a(1)(j) defines a relative as:

an individual who is at least 18 years of age and related to the child by blood, marriage, or adoption, as grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, and the spouse of any of the above, even after the marriage has ended by death or divorce.

Although the trial court noted that LD was placed with her maternal grandmother, it concluded that this did not outweigh the need to terminate respondent's right. In particular, the court found that termination of respondent's parental rights and adoption was "the best permanency plan for [LD], as reunification is not an option due to" respondent's failure "to remain engaged and benefit from the services provided." The trial court specifically considered guardianship or placement with a "fit and willing relative," but concluded that these options would not provide LD with "the protection needed from the risk posed by future contact with [respondent]." Additionally, the trial court found LD would "be at risk with return or prolonged contact with" respondent, and any bond between LD and respondent was "outweighed by the risk of reunification or continued contact with [respondent]."

The trial court's findings are supported by the record. Respondent repeatedly failed to participate in and benefit from the services offered—most importantly, those services related to addressing her mental-health issues. Respondent exposed LD to several instances of physical and verbal aggressiveness, traumatizing LD. Given the length of time the children had been in care and respondent's lack of progress, the trial court did not clearly err in determining termination of respondent's parental rights to LD was appropriate despite her placement with respondent's mother.

Finally, the trial court was not required to consider BK's placement with his father a relative placement under MCL 712A.13a(1)(j). See *In re Schadler*, 315 Mich App at 413 (determining that, because the child's biological mother was not mentioned as a "relative" under MCL 712A.13a(1)(j), the trial court was not required to consider that relative placement in making its best interests finding). Rather the law is clear that termination of one parent's parental rights may be appropriate even if the other parent provides a fit custodial environment. *In re Marin*, 198 Mich App 560, 561, 565-568; 499 NW2d 400 (1993) (stating that "the Legislature envisioned and intended that the . . . court could terminate the parental rights of just one parent" and the court need

not rely on traditional custody and visitation proceedings to protect a child). Accordingly, we conclude that the trial court did not err in finding that termination was in the children's best interests.

Affirmed.

/s/ Anica Letica  
/s/ Elizabeth L. Gleicher  
/s/ Colleen A. O'Brien